

Claim 1. A method for analyzing a microbiological sample contained in at least one sample well, comprising the steps of:

directing a plurality of different analyzing light wavelengths onto said microbiological sample contained in said sample well;

detecting a respective resultant light wavelength emanating from said microbiological sample for each of said analyzing light wavelengths directed onto said microbiological sample;

generating a result value representative of each respective resultant light wavelength; and

mathematically combining said result values to provide at least two growth indicator values, each representing a respective growth characteristic of said microbiological sample, wherein at least one of said growth indicator values represents a redox state of said microbiological sample, and wherein another of said growth indicator values represents a turbidity value of said microbiological sample.

Please cancel Claims 2 and 3 without prejudice.

Please cancel Claims 11-20 and 25-28 without prejudice.

REMARKS

Claims 1-10 and 21-24 are present in this application. Claims 1-28 had been subjected to restriction by the Examiner under 35 USC §1.121 as follows:

Group I, directed to Claims 1-10, drawn to a method for analyzing a sample, classified in Class 435, Subclass 4;

Group II, directed to Claims 11-20 and 25-28, drawn to a computer readable method, classified in Class 711, Subclass various ; and

Group III, directed to Claims 21-24, drawn to a method for determining MIC (minimum inhibitory concentration), classified in Class 435, Subclass 32 .

In order to be fully responsive to the Examiner's requirement for restriction, Applicants provisionally elected to prosecute the subject matter of Group I, Claims 1-10, and reserved, and continue to reserve, the right to file a divisional application directed to the non-elected subject matter of the remaining claims in this application. In order to advance prosecution, Applicant have cancelled Claims 11-20 and 25-28.

However, Applicants respectfully traverse the present restriction requirement and request reconsideration of this restriction requirement in view of the following remarks.